

Entered - 10-8-99 - sb
CL 99L0647 - GWENDOLYN BURNS

01-*R*-1261

CLAIM OF: ARCADIA DOWNS APARTMENTS
ATTN: Linda Bradshaw, Property Manager
2905 Springdale Road
Atlanta, Georgia 30315

For property damages alleged to have been sustained from sewer
back ups on 2905 Springdale Road on May 12, 1999 through
June 1999.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL SEP 04 2001

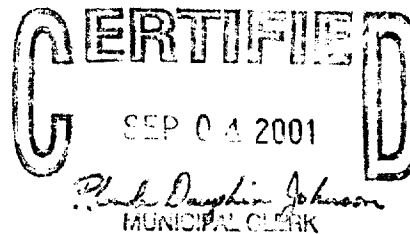
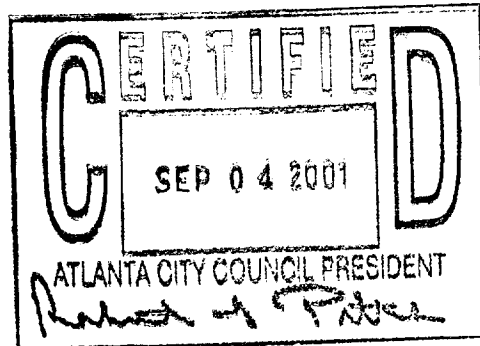
ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE
DATE SEP 04 2001

CHAIR: *C. T. Martin*

[Signature]

Clota Winslow





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

September 12, 2001

**Arcadia Downs Apartments
Attn: Linda Bradshaw
Property Manager
2905 Springdale Road
Atlanta, GA 30315**

01-R-1261

Dear Ms. Bradshaw:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 04, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

**Rhonda Dauphin Johnson, CMC
Municipal Clerk**

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0647

Date: August 1, 2001

Claimant /Victim ARCADIA DOWNS APARTMENTS

BY: (Atty) (Ins. Co.) _____

Address: 2905 Springdale Road, Atlanta, Georgia 30315

Subrogation: _____ Claim for Property damage \$ 4,242.56 Bodily Injury \$ _____

Date of Notice: 9/27/99 Method: Written, Proper X Improper _____

//Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 5/12/99 - 6/99 Place: 2905 Springdale Road

Department PUBLIC WORKS Division Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that it sustained damages as a result of sewer back ups. However, the claimant has failed to pursue its claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

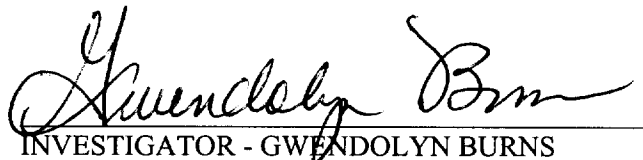
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned X

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ (Adverse) X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 082201-

Committee Action: _____ Council Action _____

ARCADIA DOWNS SPARTMENTS
2905 SPRINGDALE ROAD
ATLANTA, GA 30315

9/24/99
JB

BURNS
09/27/99
[Signature]

August 16, 1999

ENTERED - 10-8-99 - SB
99L0647 - GWEN BURNS

CITY OF ATLANTA
WATER & SEWER DIVISION
55 TRINITY STREET
ATLANTA, GA 30335

During the months of May and June Arcadia Downs Apartment Complex incurred expenses as it relates to sewer back-up.

The problem began May 12, 1999 and continued through the month of June. Building "N" had several sewer back-ups that resulted in apartments "1 and 6" flooding.

Gross and Son Plumbing responded to a call made by management for back-up. (Please see attachments) Also Carpet Care was called for a 1 day Guarantee Order Control. Residents who lived in units 1 and 6 were transferred (unit 1 needed to move from complex completely).

On June 3, June 6 and June 16th the City of Atlanta Sewer Department was contacted because it was determined that the blockage was on the City's property. The City's unit was dispatched on both dates. On each occasion the City refused to unstop the sewer lines contending that it was "not a City Problem". On June 22nd a representative from Gross and Sons and Mr. Lorenzo Dorsey met at Arcadia Downs at the request of Management to resolve the issued. After reviewing dates, times, work done by Gross and Son it was agreed upon by Mr. Dorsey that the problem layed on the City's. The line was unstopped on the date of the meeting by The City of Atlanta Sewer Department and has been clear to present.

Arcadia Downs is respectfully requesting that the City of Atlanta incur a portion of the expense incurred. The total expense includes the following

Gross & Sons Plumbing.....	\$2,559.56
Carpet Care.....	700.00
Roy Kates- Clean-up, pressure wash adjoining property and disinfect.....	500.00
Loss of rental 1-month(unit N-1).....	188.00
TOTAL	\$3,947.56

Thank you for your cooperation in this matter.

Sincerely,

[Signature]
Linda Bradshaw
Property Manager

01-R-1261

RCS# 3092
9/04/01
3:36 PM

Atlanta City Council

Regular Session

MULTIPLE

Public Safety Consent Agenda except #15

1261

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE